

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

In re:

REFCO INC., et al.,

Debtors.

Chapter 11

Case No. 05-60006 (RDD)  
(Jointly Administered)

MARC S. KIRSCHNER,  
as Trustee of the Refco Litigation Trust,

Adv. Pro. No. 07-03060 (RDD)

Plaintiff,

- against -

JOHN D. AGOGLIA, PHILLIP R. BENNETT,  
THE TRUSTEE(S) OF THE PHILLIP R.  
BENNETT THREE YEAR ANNUITY  
TRUST, EDWIN L. COX, SUKHMEET  
“MICKY” DHILLON, THE TRUSTEE(S) OF  
THE JASDEEP DHILLON TRUSTEE MSD  
FAMILY TRUST, THOMAS H. DITTMER,  
THE TRUSTEE(S) OF THE DITTMER  
TRUST, STEPHEN GRADY, TONE N.  
GRANT, ERIC LIPOFF, SANTO MAGGIO,  
PETER McCARTHY, JOSEPH MURPHY,  
FRANK MUTTERER, WILLIAM SEXTON,  
ROBERT TROSTEN, MEMPHIS  
HOLDINGS LLC, MLC FIRST CAYMAN  
LTD., REFCO GROUP HOLDINGS INC.,  
and JOHN DOES 1 THROUGH 10.

Defendants.

**NOTICE OF DISMISSAL OF CLAIMS ASSERTED  
AGAINST PETER McCARTHY**

**WHEREAS**, on October 15, 2007, Plaintiff Marc S. Kirschner, as the  
Court-approved Trustee for the Refco Litigation Trust, (the “Trustee”) filed a complaint  
(the “Complaint”) asserting claims against, among others, Peter McCarthy (“McCarthy”);  
and

**WHEREAS**, on October 25, 2007, McCarthy was properly served with the Complaint; and

**WHEREAS**, McCarthy has neither answered nor filed a motion for summary judgment against the Complaint.

**NOW, THEREFORE**, pursuant to Fed. R. Civ. P. 41(a)(1)(A)(i), as incorporated by Fed. R. Bankr. P. 7041, the Trustee voluntarily dismisses with prejudice all claims asserted against McCarthy in the Complaint.

MILBANK, TWEED, HADLEY &  
McCLOY LLP

By: /s/ Dennis C. O'Donnell  
Scott A. Edelman  
Andrew M. Leblanc  
Dennis C. O'Donnell  
1 Chase Manhattan Plaza  
New York, NY 10005-1413  
(212) 530-5000

Dated: December 7, 2010

*Counsel for Plaintiff Marc S. Kirschner,  
as Trustee for the Refco Litigation Trust*